

ORDINANCE #14-27

AN ORDINANCE AMENDING TITLE 13, CHAPTER 7, "STREET LIGHTING" OF THE REVISED ORDINANCES OF SANDY CITY; TO ESTABLISH A STREET LIGHT UTILITY; ALSO TO PROVIDE A SAVING CLAUSE FOR THE ORDINANCE AND AN EFFECTIVE DATE.

WHEREAS, it is necessary to amend Title 13, Chapter 7, "Street Lighting" of the Revised Ordinances of Sandy City, to establish a Street Lighting Utility.

WHEREAS, Section 10-8-84, Utah Code Annotated, and other provisions in the Utah Code Annotated, authorizes such amendment in order to protect the public health, safety and welfare of the City;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Sandy City as follows:


Section 1. Title 13, Chapter 7, "Street Lighting" of the Revised Ordinances of Sandy City, is hereby amended to establish a Street Lighting Utility as set forth in Exhibit A which is attached to and in this ordinance.

Section 2. All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the Code hereby adopted are hereby repealed.

Section 3. The provisions of this ordinance shall be severable; and if any provision thereof, or the application of such provision under any circumstances is held invalid, it shall not affect any other provisions of this ordinance, or the application in a different circumstance.

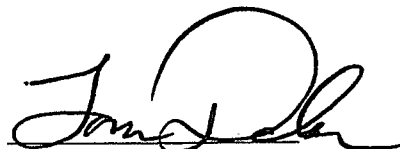
Section 4. This ordinance shall become effective upon publication of a summary thereof and the City Recorder is hereby directed to publish such summary as soon as practically possible.

PASSED AND APPROVED by the Sandy City Council this 20 day of August 2014.

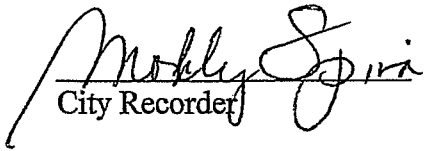

Chairman, Sandy City Council

PRESENTED to the Mayor this 28th day of August, 2014

APPROVED by the Mayor this 28th day of August, 2014.


Thomas M. Dolan, Mayor

ATTEST:


City Recorder



RECORDED this 29th day of August, 2014

SUMMARY PUBLISHED this 4th ^{September} day of August, 2014.

Chapter 7 STREET LIGHTING

13-7-1. Short Title.

This ordinance shall be known as the “Sandy City Street Light Ordinance”, and may be so cited. All previously enacted Sandy City Street Light ordinances including Ordinance #84-59, #92-9 and #01-08 are hereby repealed.

13-7-2. Purpose.

The purpose of this ordinance is to provide for the safety and welfare of residents and businesses located in Sandy City (“City”) by providing for the installation of an adequate street lighting system to illuminate the public streets of residential and commercial areas.

13-7-3. Definitions.

(a) Approved Plat shall mean a plat and supporting documents prepared to indicate the type and placement of street lights within the scope of a development. Placement and type of street lights shall conform with specifications as approved by the Director of Public Utilities (“Director”).

(b) As-Built Drawings shall mean a plat prepared after street light installations have been completed indicating actual utility easements, location of street lights, wiring diagrams and any other pertinent information relating to the installation of street lights within a development.

(c) Commercial Development shall mean any development occupied with or engaged in commerce.

(d) Developer shall mean any subdivider or any person or organization that develops, or intends to develop or sell property for the purpose of future development.

(e) Equivalent Residential Unit (ERU) shall mean the unit of measurement of the magnitude of use of the street lighting system attributable to either a developed or undeveloped parcel. For nonresidential service charges, one ERU shall be based upon the property street frontage, divided by eighty-seven feet (87') and rounded to the nearest positive whole number.

(f) Public Street shall be that street, park strip and sidewalk area dedicated to a political jurisdiction for public transportation.

(g) Residential Development shall mean any development providing permanent living accommodations or any parcel of land which is improved with a single “dwelling unit”.

(h) Street Light shall mean any combination of luminaire(s), pole, anchor base (if required), appurtenances, and underground wiring required to provide roadway lighting.

(j) Street Light Specifications shall mean those specifications, standards and requirements as established and approved by the "Director" pertaining to the type of luminaire, pole, anchor base (if required), wiring, appurtenances and installation procedures for the installation of a street lighting system.

(k) Street Light Standard shall mean the classification of street light based on the width of the street right-of-way in which that street light will be installed. Street Light Standards are as follows:

Major Arterial shall mean those streets with a dedicated Right-of-Way of 106+ feet.

Minor Arterial shall mean those streets with a dedicated Right-of-Way of 84 feet.

Major Collector shall mean those streets with a dedicated Right-of-Way of 80 feet.

Minor Collector shall mean those streets with a dedicated Right-of-Way of 66 feet.

Local (Residential) shall mean those streets with a dedicated Right-of-Way of 50 feet.

(l) PUD: shall mean either a residential or commercial Planned Unit Development.

(m) Public Utility easement shall mean the area designated for access to construct or maintain utilities on privately or publicly owned land.

13-7-4. Installation.

(a) Residential Development: For all developments approved after the effective date of this ordinance, the developer shall install street lights as shown on the approved subdivision plat or site plan and in accordance with City specifications and post a guarantee for the installation. The developer must also provide a dedicated public utility easement from each respective power source to each street light

(b) Commercial Development: For all developments approved after the effective date of this ordinance, the developer shall install street lights as shown on the approved subdivision plat or site plan and in accordance with City specifications and post a guarantee for the installation. The developer must also provide a dedicated public utility easement from each respective power source to each street light

(c) PUD: For all developments approved after the effective date of this ordinance, the developer shall install street lights as shown on the approved subdivision plat or site plan and in accordance with City specification and post a guarantee for the installation. The developer must also provide a dedicated public utility easement from each respective power source to each street light.

13-7-5. Development Review Process.

The developer must comply with the Sandy City Subdivision Ordinance, Section 15A-30-08 relating to, but not limited to, review and approval procedures, bonding, and inspections.

13-7-6. Standards and Specifications.

All street lights intended to illuminate the public street shall be installed in accordance with the Street Light Standards and Specifications as established and approved by the Director. Street light systems shall be installed as designated on approved plats.

13-7-7. As-Built Drawings.

The developer or his/her designee shall submit completed as-built drawings to the Department of Public Utilities within 90 days of the completion of the installation of a street light system within a development.

13-7-8 Establishment of Street Lighting Utility

The street lighting utility has been established pursuant to section 13-7 of this code, and is operated as a special revenue fund within the Department of Public Utilities. All portions of the street lighting system shall be operated, managed and administered by the Director within the Street Lighting Utility. All street lighting assets held by the City that concern streetlights within the public right of way shall be transferred to the special revenue fund.

13-7-9 System of Rates and Charges

Generally: There are hereby imposed street lighting service fees, rates and charges, effective for all billing periods after and including July 1, 2014, and thereafter until further amended. The changes shall fund the administration, planning, design, construction, programming, operation, maintenance and repair of existing and future street lighting facilities.

Residential Service Charges: Residential service charges for use of the street lighting system shall be as shown on the Sandy City Consolidated Fee Schedule. One ERU per single dwelling unit.

Nonresidential Service Charges: Nonresidential service charges for use of the street lighting system shall be shown on the Sandy City Consolidated Fee Schedule. The charge shall be based upon the property frontage, divided by eighty-seven linear feet (87'), or one ERU, and rounded to the nearest whole number. The actual total monthly service charge shall be computed by multiplying the total ERUs for a parcel by the monthly rate shown on the Sandy City Consolidated Fee Schedule.

13-7-10 Billing and Collection

The City shall bill property owners for streetlight utility services. Billing amounts shall be included as a separate line item on utility bills. A billing will also be sent to owners of parcels within the city who are not City utility customers. In the case of undeveloped parcels, or properties without public water or sewer services with front footage, a street lighting only billing will be sent to the owner of the parcel, as shown on the records of the county recorder.

Partial payments on a combined utility bill shall be applied consistent with the billing procedures established by the City. Fees and charges shall be considered delinquent if not paid as determined by the procedures established by the City and will be a debt to the City, which shall be subject to recovery in a civil action.

13-7-11 Street Lighting Utility Special Revenue Fund

Street Lighting Utility Special Revenue Fund: All funds received from street lighting service charges shall be placed in the street lighting special revenue fund and kept separate and apart from all other city funds. The collection, accounting and expenditure of all street lighting utility funds shall be in accordance with existing fiscal policy of the city.

13-7-12 Appeal of Charges

Any customer who disagrees with the street light utility fee for his or her parcel may apply to the Director for a user fee adjustment. The adjustment request must state the grounds for adjustment and must be filed in writing with the Director no later than thirty (30) days after receipt of billing. The Director shall review the request and basis for user charges to determine whether an error was made in the calculation or application of the fee and may approve or disapprove an adjustment. In all cases the Director's decision shall be final, unless appealed.

An appeal of a Director's decision must be filed in writing with the Mayor within thirty (30) days after the customer receives notice by certified mail of the Director's decision. Decision of the Mayor shall be final and conclusive.

If an appeal of charges is successful, credit will be applied to all charges from the time of the appealed billing, and will be reflected on a future billing after the appeal is granted.

13-7-13 Disclaimer

The city shall not be liable for injury or damage to persons or property caused by any deficiency or failure in supplying electricity for the street light system whether occasioned by shutting off the system for the purpose of making repairs or connections, weather-related incidents or from any other cause whatsoever.